

## **EXHIBIT 1**

LAW OFFICES  
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SUSAN H. ROSENAU

July 21, 1993

***By Hand Delivery***

Mr. William F. Caton

Acting Secretary

Federal Communications Commission

Washington, D.C. 20554

OUR FILE NO.

0992-102-65

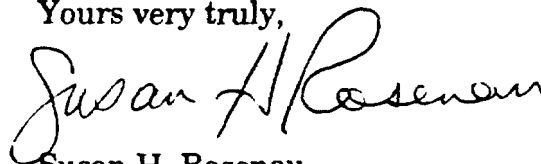
RE: MM Docket No. 93-42, Calistoga, California

Dear Mr. Caton:

On behalf of Moonbeam, Inc., an applicant (File No. BPH-911115MG) for a New FM Station on Channel 265A in Calistoga, California, please find the original and six copies of its Petition for Leave to Amend in the above-referenced proceeding.

Kindly communicate any questions directly to this office.

Yours very truly,



Susan H. Rosenau

Enclosures (6)

cc: Moonbeam, Inc.

Robert Zauner, Esquire

A. Wray Fitch, Esquire

Administrative Law Judge Edward Luton

Chief, Data Management Staff, Audio Services Division

Before The

~~Federal Communications Commission~~

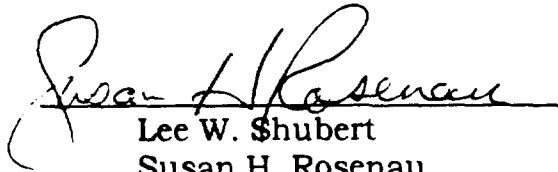
2. This amendment is submitted pursuant to Section 1.65 of  
the Commission's Rules which requires applicants to inform the  
Commission when the information furnished in the preceding question

6. Further, Moonbeam has acted promptly upon learning of its oversight to previously amend its application; this Petition has been filed within ten business days after learning that an amendment had not been previously filed. Thus, good cause exists for the acceptance of the tendered amendment.

WHEREFORE, the premises considered, Moonbeam respectfully requests that its Petition for Leave to Amend be granted and that the attached amendment be accepted.

Respectfully submitted,

**MOONBEAM, INC.**

  
Lee W. Shubert  
Susan H. Rosenau

Its Attorneys

**HALEY, BADER & POTTS**  
Suite 900  
1450 North Fairfax Drive

## **AMENDMENT**

Please amend the application of Moonbeam, Inc. (FCC File No. BPH-911115MG) for authority to construct a new commercial FM broadcast station on Channel 265A at Calistoga, California in the following respect:

**FCC Form 301, Section II, Item 12(b)**


Substitute the amended Section II, Item 12(b) (Page 4) and amended Exhibit 1-B submitted herewith in lieu of the Section II, Item 12(b) (Page 4) previously submitted.

## **CERTIFICATION**

I, Mary F. Constant, hereby certify that the statements contained in this amendment are true, complete, and correct, to the best of my knowledge and belief, and are made in good faith. I also certify that no party to the application of Moonbeam, Inc. is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853a.

Signed and dated this 20 day of July, 1993.

**MOONBEAM, INC.**

By   
Mary F. Constant, President

Section 11 - LEGAL QUALIFICATIONS (Page 4)

10. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 (kHz) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein?

☐ Yes ☒ No

If Yes, provide particulars as an Exhibit

Exhibit No.  
N/A

11. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☐ Yes ☒ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
N/A

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

12. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
1 - B

13. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
N/A

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing Petition for Leave to Amend was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered\*, to the following:

A. Wray Fitch, III, Esquire\*  
Gammon & Grange  
8280 Greensboro Drive  
McLean, VA 22102-3807

Administrative Law Judge Edward Luton\*  
2000 L Street N.W.  
Washington, D.C. 20036

Robert Zauner, Esquire\*  
Federal Communications Commission  
Mass Media Bureau, Hearing Branch



**FCC Form 301**  
**Sec. II, Item 12(b)**

**Amended Exhibit No. 1-B**  
**July, 1993**

**MOONBEAM, INC.**  
**Family Members Holding Interests in Broadcast Properties**

On November 30, 1992, Fred W. Constant, sole owner of Idaho Broadcasting Consortium ("IBC"), acquired FM Broadcast Station KRMR, (formerly KYAA), Ketchum, Idaho. Mr. Constant is also the husband of Mary F. Constant, President, sole director, and 100% shareholder of Moonbeam, Inc. the applicant for authority to construct a new FM Broadcast Station on

## EXHIBIT 2

## Section II - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission? ☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission? ☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission? ☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked? ☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other? ☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))? ☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
N/A

9 State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
N/A

## OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction B to Section 11.) ☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))? ☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
N/A

March 2, 1992

Section 11 - LEGAL QUALIFICATIONS (Page 3)

Moonbeam, Inc. - Amendment  
February 1992

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☐ Yes ☒ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.355(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
N/A

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
N/A

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction B to Section 11.1)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.355(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
N/A

10. Does the applicant, or any party to the application, have a petition for a change of band (1605-1705 (kHz) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein?

If Yes, provide particulars as an Exhibit.

Exhibit No.

11. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☐ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☐ No

OTHER MASS MEDIA INTERESTS

14. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction C to Section 11.)

☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

15. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction D to Section 11.)

☐ Yes ☐ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☐ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

16. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

## EXHIBIT 3

**DECLARATION**

I, Mary Fairbanks Constant, under penalty of perjury, declare as follows:

1. I am President, sole director and sole shareholder of Moonbeam, Inc. ("Moonbeam"), an applicant for a construction permit for authority to build and operate a new FM broadcast station on Channel 265A at Calistoga, California.

**I. Corporate Data**

2. Moonbeam is a corporation duly formed under the laws of the State of Idaho. Moonbeam is legally empowered to construct and operate the radio station it proposes.

3. Moonbeam's officers, directors and/or shareholders, and the nature of their respective interests are as follows:

<b><i>Principal</i></b>	<b><i>Citizenship</i></b>	<b><i>Office</i></b>	<b><i>Director</i></b>	<b><i>Ownership</i></b>
Mary F. Constant	US	President	Yes	100%
Pat Van Paepeghem	US	Secretary	No	0%

**II. Diversity of Media Ownership**

4. Moonbeam has no ownership in any medium of mass communication. Mary F. Constant and Pat Van Paepeghem have no ownership in any medium of mass communications. Moonbeam, which is authorized to issue up to 100,000 shares of common stock at \$100.00 per share, has issued ten shares, all of which were purchased and are owned by Mary F. Constant. Each share of Moonbeam's common stock is entitled to one vote. There are no other classes of stock.



1                   III. Integration of Ownership and Management

2                   5. Mary F. Constant will be active on a full-time basis for at  
3   least forty (40) hours per week, in the day-to-day operation of  
4   Moonbeam's station as General Manager. As General Manager, her du-  
5   ties and responsibilities will include, but will not be limited to:

- 6                   • supervision and oversight of all departments of the  
7                   station, including business, sales, traffic, program-  
8                   ming engineering and administration;  
9                   • determination on a day-to-day basis of all station poli-  
10                  cies;  
11                  • formulation, supervision and maintenance of the  
12                  station's overall operating budget;  
13                  • recruitment, hiring, evaluation, promotion and dis-  
14                  missal of station personnel;  
15                  • selection, purchase and acquisition of all equipment  
16                  (hardware and software) used at the station;  
17                  • supervision of the station's construction; and  
18                  • overall supervision of all station operations including  
19                  programming.

20  
21                               IV. Auxiliary Transmitter

22                  6. Moonbeam will install auxiliary power generating equipment at  
23   both its proposed studio and transmitter site locations. The auxiliary  
24   equipment will allow Moonbeam to serve the Calistoga, California  
25   community during commercial power failures and thereby provide  
26   emergency weather and other information to local listeners.

27                               V. Gender Preference

28                  7. Ms. Constant, a female, claims whatever comparative en-  
29   hancement may now exist for her gender.

1           The statements of fact contained in this Declaration are true  
2   and correct of my personal knowledge, with the exception of such  
3   statements of which the Commission may take official notice, as well as  
4   such statements based upon information by reference to materials in

**MOONBEAM, INC.  
AN IDAHO CORPORATION**

**HEARING EXHIBIT No. 2**

**DECLARATION**

1 I, Mary Fairbanks Constant, under penalty of perjury, declare as  
2 follows:

3 1. Mary Fairbanks Constant, a citizen of the United States, is

4 President, sole director and sole shareholder of Moonbeam, Inc.

As General Manager, Ms. Constant's duties and responsibilities will include, but will not be limited to:

- supervision and oversight of all departments of the station, including business, sales, traffic, programming engineering and administration;
- formulation, supervision and maintenance of the station's overall operating budget;
- determination on a day-to-day basis of all station policies;
- recruitment, hiring, evaluation, promotion and dismissal of station personnel;
- selection, purchase and acquisition of all equipment (hardware and software) used at the station;
- supervision of the station's construction; and
- overall supervision of all station operations including programming.

### III. Personal Background

### A. Personal Vitae

5. Mary Fairbanks Constant was born on February 26, 1946. On her last birthday, she was 47 years old.

6. From 1946 until 1969, Ms. Constant resided in Sonoma County, which is contiguous to Napa County, the county in which Calistoga is located. Ms. Constant moved to Calistoga, California in April, 1993, and resides there full time. Should Moonbeam's application be

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1 The Terwillager Nature Education Center is located in Corte Madera,  
2 California. In November, 1992, Ms. Constant became a Provisional  
3 Member of the Napa/Sonoma Junior Service League.

4 E. Employment

5 9. For several years after her graduation from college in June,  
6 1969, Ms. Constant was employed in various full and part time positions  
7 in Idaho, California and Washington State. From 1977 through 1979,  
8 Ms. Constant was the owner and sales manager of Directory Graphics, a  
9 telephone directory publishing company serving Idaho and Washington  
10 State. In January, 1979, Ms. Constant became employed by *The*  
11 *Oregonian/Oregon Journal* newspapers in Portland, Oregon. She  
12 continued in that field until June, 1983.

13 10. In 1982, Ms. Constant developed an interest in real estate,  
14 and after obtaining a real estate license, joined Lutz-Snyder Real Estate,  
15 where she was an associate realtor until June, 1986. Since July, 1986,  
16 Ms. Constant has served as Manager of "Shoot the Moon," a location for  
17 movies and television commercials, and has occasionally been employed  
18 as an occasional actress and model.

19 11. In addition to the time spent prosecuting Moonbeam's  
20 application and planning Moonbeam's proposed station, Ms. Constant is  
21 presently licensed as a realtor in California. James E. Warren & Son  
22 (Realtors), 1414 Main Street, St. Helena, California, holds her license as  
23 an associate realtor. St. Helena is located within the 1.0 mV/m contour  
24 of Moonbeam's proposed radio station. In the event that Moonbeam's ap-  
25 plication is granted, Ms. Constant will terminate any other current em-  
26 ployment in order to fulfill her integration commitment to work full-time  
27 as General Manager of Moonbeam's radio station in Calistoga, California.

1

2       The statements of fact contained in this Declaration are true and  
3 correct of my personal knowledge, with the exception of such statements  
4 of which the Commission may take official notice, as well as such  
5 statements based upon incorporation by reference to materials in the  
6 files of the Commission, and as to such statements, I believe them to be  
7 true.

8       Executed under penalty of perjury this 30 day of June, 1993.

9

10

**MOONBEAM, INC.**

11

12

By   
Mary Fairbanks Constant  
President

## CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the following documents:

Moonbeam, Inc. Hearing Exhibit No. 1

Moonbeam, Inc. Hearing Exhibit No. 2

were mailed this date by First Class U.S. Mail, postage prepaid, or were hand-delivered\*, to the following:

A. Wray Fitch, III, Esquire  
Gammon & Grange  
8280 Greensboro Drive  
McLean, VA 22102-3807

Administrative Law Judge Edward Luton  
2000 L Street, N.W.  
Washington, D.C. 20036

Larry Miller, Esquire\*  
Federal Communications Commission  
Mass Media Bureau, Hearing Branch  
Suite 7212  
2025 M Street, N.W.  
Washington, D.C. 20554



July 2, 1993



## EXHIBIT 4